

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Baluma S.A. d/b/a Enjoy Punta Del Este
 & Casino,

Plaintiff,

v.

Brian Poff II,

Defendant.

Case No. 2:20-cv-01642-JCM-DJA

Order

Before the Court is Defendant Brian Poff's motion to extend time to retain new counsel (ECF No. 25) and his response to the Court's order to show cause (ECF No. 24). The Court previously ordered Defendant to show cause why he had not complied with the Court's previous order requiring him to inform the Court whether he would retain new counsel or proceed *pro se*. (ECF No. 23). The Court gave Defendant until February 17, 2022 to respond. (*Id.*). Defendant timely responded that he is in the process of retaining counsel and that, in the meantime, he was unaware of how to proceed. (ECF No. 25). He requested a brief extension to retain counsel. (*Id.*).

Under Local Rule 26-3, a motion to extend a date set by an order must, in addition to satisfying the requirements of Local Rule IA 6-1, be supported by a showing of good cause for the extension. LR 26-3. However, courts liberally construe *pro se* filings. See *Hebbe v. Pliler*, 627 F.3d 338, 342 & n.7 (9th Cir. 2010) (finding that liberal construction of *pro se* pleadings is required after *Twombly* and *Iqbal*). Additionally, under Local Rule 7-2(d), the failure of an opposing party to file points and authorities in response to any motion constitutes a consent to the granting of the motion. LR 7-2(d).

The Court grants Plaintiff's motion for extension. Plaintiff's continued efforts to retain new counsel while learning how to litigate his case *pro se* constitute good cause to grant the

1 extension. While he did not follow the exact requirements of the Local Rules, the Court liberally
2 construes Defendant's motion. Additionally, Plaintiff did not file a response, constituting its
3 consent to the granting of the motion.

4
5 **IT IS THEREFORE ORDERED** that Plaintiff's motion for an extension (ECF No. 25)
6 is **granted**. Plaintiff shall have until **Wednesday, April 6, 2022** to inform the Court whether he
7 will retain new counsel or proceed *pro se*.

8
9 DATED: March 7, 2022



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE